

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Juan Martinez Rivas, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">-v-</div> Ariel Auto Collision Corp. et al, <div style="text-align: center;">Defendants.</div>	2:23-cv-5371 (NJC) (SIL) <u>ORDER</u>
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NUSRAT J. CHOUDHURY, District Judge:

On August 21, 2024, Ariel Auto Collision Corp. and Rodshel Khaimov (collectively, “Defendants”) filed a pre-motion letter (ECF No. 13) indicating their intent to file a motion to dismiss the Complaint (ECF No. 1) pursuant to Rule 12(b), Fed. R. Civ. P. Under Rule 15(a)(2), Fed. R. Civ. P., a plaintiff may amend its pleading with leave from the court. A court shall give leave “when justice so requires.” Fed. R. Civ. P. 15(a)(2). Accordingly, it is hereby

ORDERED that Defendants shall serve on Plaintiff any motion to dismiss the Complaint pursuant to Rule 12(b) by September 24, 2024.

IT IS FURTHER ORDERED that Plaintiff shall file any amended complaint by October 15, 2024. It is unlikely that Plaintiff will have a further opportunity to amend. Defendants shall file any letter seeking a pre-motion conference concerning an anticipated motion to dismiss the amended complaint by October 29, 2024.

IT IS FURTHER ORDERED that if no amended complaint is filed, Plaintiff shall serve on Defendants any opposition to the motion to dismiss by October 15, 2024. Defendants’ reply, if any, shall be served on Plaintiff by October 29, 2024. The parties must consult and comply with the Court’s individual rules concerning the provision of any courtesy copy to chambers after

the motion is fully briefed. The parties are also reminded that the Court's individual rules include a bundling practice, pursuant to which parties are asked to refrain from filing certain motions and responsive briefing until the motion has been fully briefed by all parties. *See* Individual Practice Rule 5.2.6.

Dated: Central Islip, New York

September 3, 2024

/s/ Nusrat J. Choudhury

NUSRAT J. CHOUDHURY

United States District Judge